
HOUSE BILL 1009

State of Washington 60th Legislature 2007 Regular Session

By Representatives Moeller, Wallace, Linville, Wood and Dickerson

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Committee on Judiciary.

1 AN ACT Relating to establishing work groups to periodically review
2 and update the child support schedule; amending RCW 26.09.173,
3 26.10.195, 26.18.210, and 26.19.025; adding a new section to chapter
4 26.19 RCW; creating new sections; and providing an expiration date.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** Federal law requires the states to
7 periodically review and update their child support guidelines.
8 Accurate and consistent reporting of the terms of child support orders
9 entered by the courts or administrative agencies in Washington state is
10 necessary in order to accomplish a review of the child support
11 guidelines. In addition, a process for review of the guidelines should
12 be established to ensure the integrity of any reviews undertaken to
13 comply with federal law.

14 **Sec. 2.** RCW 26.09.173 and 1990 1st ex.s. c 2 s 23 are each amended
15 to read as follows:

16 The party seeking the establishment or modification of a child
17 support order shall file with the clerk of the court the child support
18 order summary report. The summary report shall be on the form

1 developed by the administrator for the courts pursuant to RCW
2 26.18.210. The party must complete the form and file the form with the
3 court order. The clerk of the court must forward the form to the
4 (~~administrator for the courts~~) division of child support on at least
5 a monthly basis.

6 **Sec. 3.** RCW 26.10.195 and 1990 1st ex.s. c 2 s 24 are each amended
7 to read as follows:

8 The party seeking the establishment or modification of a child
9 support order shall file with the clerk of the court the child support
10 order summary report. The summary report shall be on the form
11 developed by the administrator for the courts pursuant to RCW
12 26.18.210. The party must complete the form and file the form with the
13 court order. The clerk of the court must forward the form to the
14 (~~administrator for the courts~~) division of child support on at least
15 a monthly basis.

16 **Sec. 4.** RCW 26.18.210 and 2005 c 282 s 33 are each amended to read
17 as follows:

18 (1) The administrative office of the courts shall develop a child
19 support order summary report form to provide for the reporting of
20 summary information in every case in which a child support order is
21 entered or modified either judicially or administratively. (~~The~~
22 ~~administrative office of the courts shall attempt to the greatest~~
23 ~~extent possible to make the form simple and understandable by the~~
24 ~~parties. The form shall indicate the following:~~

- 25 ~~(a) The county in which the order was entered and the cause number;~~
- 26 ~~(b) Whether it was a judicial or administrative order;~~
- 27 ~~(c) Whether the order is an original order or from a modification;~~
- 28 ~~(d) The number of children of the parties and the children's ages;~~
- 29 ~~(e) The combined monthly net income of parties;~~
- 30 ~~(f) The monthly net income of the father as determined by the~~
31 ~~court;~~
- 32 ~~(g) The monthly net income of the mother as determined by the~~
33 ~~court;~~
- 34 ~~(h) The basic child support obligation for each child as determined~~
35 ~~from the economic table;~~

- 1 ~~(i) Whether or not the court deviated from the child support for~~
- 2 ~~each child;~~
- 3 ~~(j) The reason or reasons stated by the court for the deviation;~~
- 4 ~~(k) The amount of child support after the deviation;~~
- 5 ~~(l) Any amount awarded for day care;~~
- 6 ~~(m) Any other extraordinary amounts in the order;~~
- 7 ~~(n) Any amount ordered for postsecondary education;~~
- 8 ~~(o) The total amount of support ordered;~~
- 9 ~~(p) In the case of a modification, the amount of support in the~~
- 10 ~~previous order;~~
- 11 ~~(q) If the change in support was in excess of thirty percent,~~
- 12 ~~whether the change was phased in;~~
- 13 ~~(r) The amount of the transfer payment ordered;~~
- 14 ~~(s) Which parent was ordered to make the transfer payment; and~~
- 15 ~~(t) The date of the entry of the order.~~

16 ~~(2) The administrative office of the courts shall make the form~~
17 ~~available to the parties.)~~ The child support order summary report must
18 be included at the top of the first page of the Washington state child
19 support worksheets, but must not be considered part of the worksheets.

20 (2) The child support order summary report form must include all
21 data the department of social and health services division of child
22 support has determined necessary, in order to perform the required
23 quadrennial review of the Washington state child support guidelines
24 under RCW 26.19.025. The division of child support must store and
25 maintain all of the order summary report information and prepare a
26 report at least every four years. On a monthly basis, the clerk of the
27 court must forward all child support worksheets that have been filed
28 with the court to the division of child support.

29 **Sec. 5.** RCW 26.19.025 and 1991 c 367 s 26 are each amended to read
30 as follows:

31 ~~((The legislature shall))~~ (1) Beginning in 2011 and every four
32 years thereafter, a work group shall be convened to review the child
33 support ((schedule every four years to)) guidelines and the child
34 support review report prepared under section 6 of this act and
35 determine if the application of the child support ((schedule))
36 guidelines results in appropriate support orders. Membership of the
37 work group shall be determined as provided in this subsection.

1 (a) The president of the senate shall appoint one member from each
2 of the two largest caucuses of the senate;

3 (b) The speaker of the house of representatives shall appoint one
4 member from each of the two largest caucuses of the house of
5 representatives;

6 (c) The governor, in consultation with the division of child
7 support, shall appoint the following members:

8 (i) The director of the division of child support;

9 (ii) A professor of law specializing in family law;

10 (iii) A representative from the Washington state bar association's
11 family law executive committee;

12 (iv) An economist;

13 (v) A representative of the tribal community;

14 (vi) Two representatives from the superior court judges
15 association, including a superior court judge and a court commissioner
16 who is familiar with child support issues;

17 (vii) A representative from the administrative office of the
18 courts;

19 (viii) A prosecutor appointed by the Washington association of
20 prosecuting attorneys;

21 (ix) A representative from legal services;

22 (x) Three noncustodial parents, each of whom may be a
23 representative of an advocacy group, an attorney, or an individual,
24 with at least one representing the interests of low-income,
25 noncustodial parents;

26 (xi) Three custodial parents, each of whom may be a representative
27 of an advocacy group, an attorney, or an individual, with at least one
28 representing the interests of low-income, custodial parents; and

29 (xii) An administrative law judge appointed by the office of
30 administrative hearings.

31 (2) Appointments to the work group shall be completed within thirty
32 days of the effective date of this section.

33 (3) The work group shall choose its chair from among its
34 membership. The director of the division of child support shall
35 convene the initial meeting of the work group.

36 (4) The division of child support shall provide staff support to
37 the work group, and shall carefully consider all input received from
38 interested organizations and individuals during the review process.

1 (5) The work group may form an executive committee, create
2 subcommittees, designate alternative representatives, and define other
3 procedures, as needed, for operation of the work group.

4 (6) Legislative members of the work group shall be reimbursed for
5 travel expenses under RCW 44.04.120. Nonlegislative members, except
6 those representing an employee or organization, are entitled to be
7 reimbursed for travel expenses in accordance with RCW 43.03.050 and
8 43.03.060.

9 (7) By October 1, 2011, and every four years thereafter, the work
10 group shall report its findings and recommendations to the legislature,
11 including recommendations for legislative action, if necessary.

12 NEW SECTION. Sec. 6. A new section is added to chapter 26.19 RCW
13 to read as follows:

14 Beginning in 2011 and every four years thereafter, the joint
15 legislative audit and review committee subject to the committee's
16 approval, or other entity designated by the legislature, shall:

17 (1) Review and analyze data collected from the order summary
18 report, the recommendations of the previous child support work group,
19 the current child support guidelines, and other relevant research and
20 data regarding the cost of child rearing, as well as research and data
21 on the application of, and deviations from, the child support
22 guidelines in order to perform the required quadrennial review of the
23 Washington state child support guidelines under RCW 26.19.025; and

24 (2) Prepare a report to the legislature no later than July 1, 2011,
25 and every four years thereafter, on the application of the current
26 child support guidelines, and on the recommendations of the prior work
27 group.

28 NEW SECTION. Sec. 7. (1) By August 1, 2007, the division of child
29 support shall convene a work group to examine the current laws,
30 administrative rules, and practices regarding child support, with
31 members as provided in this subsection. The objective of the work
32 group shall be to continue the work of the 2005 child support
33 guidelines work group, and produce findings and recommendations to the
34 legislature, including recommendations for legislative action, by
35 December 30, 2007.

1 (a) The speaker of the house of representatives shall appoint one
2 member from each of the two largest caucuses of the house of
3 representatives;

4 (b) The president of the senate shall appoint one member from each
5 of the two largest caucuses in the senate;

6 (c) The governor, in consultation with the division of child
7 support, shall appoint the following members:

8 (i) The director of the division of child support;

9 (ii) A professor of law specializing in family law;

10 (iii) A representative from the Washington state bar association's
11 family law executive committee;

12 (iv) An economist;

13 (v) A representative of the tribal community;

14 (vi) Two representatives from the superior court judges
15 association, including a superior court judge and a court commissioner
16 who is familiar with child support issues;

17 (vii) A representative from the administrative office of the
18 courts;

19 (viii) A prosecutor appointed by the Washington association of
20 prosecuting attorneys;

21 (ix) A representative from legal services;

22 (x) Three noncustodial parents, each of whom can be a
23 representative of an advocacy group, an attorney, or an individual,
24 with at least one representing the interests of low-income,
25 noncustodial parents;

26 (xi) Three custodial parents, each of whom may be a representative
27 of an advocacy group, an attorney, or an individual, with at least one
28 representing the interests of low-income, custodial parents;

29 (xii) An administrative law judge appointed by the office of
30 administrative hearings.

31 (2) The director of the division of child support shall serve as
32 chair of the work group.

33 (3) The division of child support shall provide staff support to
34 the work group.

35 (4) The work group shall review and make recommendations to the
36 legislature and the governor regarding the child support guidelines in
37 Washington state. In preparing the recommendations, the work group
38 shall, at a minimum, review the following issues:

1 (a) How the support schedule and guidelines shall treat children
2 from other relationships, including whether the whole family formula
3 should be applied presumptively;

4 (b) Whether the economic table for calculating child support should
5 include combined income greater than five thousand dollars;

6 (c) Whether the economic table should start at one hundred twenty-
7 five percent of the federal poverty guidelines, and move upward in one
8 hundred dollar increments;

9 (d) Whether the economic table should distinguish between children
10 under twelve years of age and over twelve years of age;

11 (e) Whether child care costs and ordinary medical costs should be
12 included in the economic table, or treated separately;

13 (f) Whether the estimated cost of child rearing, as reflected in
14 the economic table, should be based on the Rothbarth estimate, the
15 Engle estimator, or some other basis for calculating the cost of child
16 rearing;

17 (g) Whether the self-support reserve should be tied to the federal
18 poverty level;

19 (h) How to treat imputation of income for purposes of calculating
20 the child support obligation, including whether minimum wage should be
21 imputed in the absence of adequate information regarding income;

22 (i) How extraordinary medical expenses should be addressed, either
23 through the basic child support obligation or independently;

24 (j) Whether the amount of the presumptive minimum order should be
25 adjusted;

26 (k) Whether gross or net income should be used for purposes of
27 calculating the child support obligation;

28 (l) How to treat overtime income or income from a second job for
29 purposes of calculating the child support obligation;

30 (m) Whether the noncustodial parent's current child support
31 obligation should be limited to forty-five percent of net income; and

32 (n) Whether the residential schedule should affect the amount of
33 the child support obligation.

34 (5) Legislative members of the work group shall be reimbursed for
35 travel expenses under RCW 44.04.120. Nonlegislative members, except
36 those representing an employee or organization, are entitled to be
37 reimbursed for travel expenses in accordance with RCW 43.03.050 and

1 43.03.060.

2 (6) This section expires June 30, 2008.

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